

REMARKS

Claims 1, 4, 6, and 7-22 are pending in this application. Claim 1, 4 and 5 are currently amended. Claims 7-12 are original. Claims 13-22 are new. Claims 2, 3, and 6 are cancelled, without prejudice. Applicant submits that no new matter has been introduced.

Applicant's invention is a method for operating a bakery café.

All of the claims are rejected under 35 U.S.C. 103(a) as being obvious over the prior art. Among those rejections, claims 3 and 6 in particular stand rejected under 35 U.S.C. 103(a) as being obvious and therefore unpatentable over MontanaMills.com in view of Price Combination, and further in view of Coleman et al. US 2005/0273343.

The cited reference, Coleman et al. '343, is current owned by Pumpnickel Associates, Inc., which also currently owns the present application. Copies of the assignment records from the USPTO web site are attached.

Submitted herewith is a declaration under 37 C.F.R. 1.130 stating that the present application and the published application cited by the Examiner are currently owned by the same party, and that the inventor named in the application is the prior inventor under 35 U.S.C. 104.

Also submitted herewith is a terminal disclaimer in accordance with 37 CFR 1.321(c).

On this basis, we submit that the rejection of claims 3 and 6 is overcome.

Claim 1, which is independent, is currently amended to include all of the limitations of claims 2 and 3, and we submit that claim 1 is therefore allowable. We submit further that claims 4, 5 and 7-12, all of which depend from claim 1, are also now in condition for allowance.

New claim 13, which is also independent, includes all of the limitations of claim 1 (prior to the current amendment) and includes all of the limitations of claim 6, and we submit that claim 13 is therefore allowable. We submit further that claims 14-22, all of which depend from claim 13, are also now in condition for allowance.

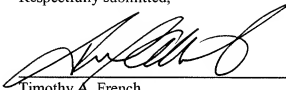
Applicant does not concede that other claims are not also allowable over the other cited prior art.

We submit that this application is now in condition for allowance. Early favorable action is solicited.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 10, 2008



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